

ORDINANCE NO. 2021-04

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING THE PURCHASE OF A PIERCE ENFORCER PUC PUMPER FIRE TRUCK AND RELATED EQUIPMENT FROM TEN-8 FIRE & SAFETY, LLC IN AN AMOUNT NOT TO EXCEED \$750,000; AUTHORIZING THE ISSUANCE OF A FIRE EQUIPMENT REVENUE BOND OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$750,000, FOR THE PURPOSE OF FINANCING THE PURCHASE OF THE FIRE TRUCK; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF THE BOND; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH BANKS FOR PURCHASE OF THE BOND; DECLARING CERTAIN FIRE RESCUE EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 3.07(b) of the Village of Key Biscayne (the “Village”) Charter, the Village Council desires to authorize the expenditure of Village funds for the purchase of a Pierce Enforcer PUC Pumper – 753 and related equipment (collectively, the “Fire Equipment”) for the Village’s Fire Rescue Department (the “Department”) for use as an advanced life support fire suppression emergency response unit; and

WHEREAS, the Village’s Fire Department solicited three quotes for the Fire Equipment and recommends that the Village Council approve the purchase of the Fire Equipment by utilizing the Florida Sheriff’s Association’s contract #FSA20-VEF14.02 Spec #8 (the “FSA Contract”), which is a competitively bid cooperative contract, as the pricing offered pursuant to the FSA Contract is in the Village’s best interest; and

WHEREAS, the Village Council finds that it is impractical, pursuant to Section 2-85 of the Village Code of Ordinances (“Code”), to apply the Village’s competitive bidding procedures for the purchase of the Fire Equipment as the type of purchase contemplated by the Village has already been competitively bid by the Florida Sheriff’s Association, which resulted in the FSA Contract; and

WHEREAS, in accordance with Section 2-85 of the Village Code, the Village Council seeks to authorize the Village Manager to purchase the Fire Equipment from Ten-8 Fire & Safety, LLC (the “Vendor”) consistent with the FSA Contract, the Vendor’s Proposal attached hereto as Exhibit “A” (the “Proposal”), and the Staff Report accompanying this Ordinance; and

WHEREAS, the Village Council desires to authorize the issuance of a bond in the aggregate principal amount not exceeding \$750,000 for the purpose of financing the Fire Equipment and paying costs of issuance of the bond; and

WHEREAS, the Village Council desires that the bond be secured by a covenant to budget and appropriate Non-Ad Valorem revenues of the Village, all as further specified by subsequent resolution of the Village Council; and

WHEREAS, the Village Council declares the Fire Truck listed on Exhibit “B” attached hereto (the “Surplus Vehicle”) as surplus property as it has become obsolete, has outlived its usefulness, has become inadequate for the public purpose for which it was intended, or is no longer needed for public purposes in light of the purchases authorized by this Ordinance, and hereby authorize the Village Manager to sell or otherwise dispose of the Surplus Vehicle; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest and welfare of the citizens of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** That the preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. **Approval of Purchase.** That the Village Council hereby approves the purchase of the Fire Equipment in an amount not to exceed \$750,000, consistent with the FSA

Contract, the Vendor's Proposal attached hereto as Exhibit "A", and the Staff Report accompanying this Ordinance pursuant to Section 3.07(b) of the Village Charter.

Section 3. Authorization of Issuance of Revenue Bond and Supplemental Resolution. That in accordance with the provisions of the Village Charter and Chapter 166, Florida Statutes, there is hereby authorized to be issued a Fire Equipment Revenue Bond (the "Bond") of the Village, in an aggregate principal amount not to exceed \$750,000, for the purpose of financing the costs of the Fire Equipment and paying costs of issuance of the Bond. The Bond shall be designated "Village of Key Biscayne, Florida Fire Equipment Revenue Bond, Series 2021", or such other designation as may be approved by supplemental resolution, shall be dated such date, shall be in such denominations, shall be stated to mature no later than eleven (11) years from its date of issuance, and shall bear interest from its dated date at a rate not exceeding the maximum rate permitted by law at the time of issuance of the Bond, shall be subject to redemption at the option of the Village at such times and prices, and shall have such other details, all as shall hereafter be determined by the Council by supplemental resolution. The supplemental resolution may be adopted, and the Bond may be issued, at any time after the effective date of this Ordinance.

Section 4. Authorization to Negotiate. That the Interim Village Manager or the Village Manager, as applicable, the Village Finance Director, the Village Attorney and Bond Counsel to the Village are each hereby authorized to negotiate with banks, investment banks or other financial institutions for the purchase of the Bond and with respect to the terms of the Bond. The Village Attorney and Bond Counsel to the Village are hereby authorized to draft documents and to do all other things necessary to accomplish the issuance and sale of the Bond.

Section 5. Declaration of Surplus Property. That the Surplus Vehicle has become obsolete, has outlived its usefulness, has become inadequate for the public purposes for which it was

intended, or is no longer needed for public purposes. Accordingly, the Village Council declares the Surplus Vehicle listed on Exhibit “B” attached hereto to be surplus personal property of the Village.

Section 6. Authorizing Sale or Disposition of Surplus Property. That the Village Manager is hereby authorized to sell or dispose of the Surplus Vehicle by public auction or other procedure determined by the Village Manager to be in the best interests of the Village. Any surplus property items acquired by the Village pursuant to governmental grant programs shall only be disposed of in accordance with procedures and criteria applicable to such grant programs.

Section 7. Implementation. That the Village Council hereby authorizes the Village Manager to execute any purchase order or required documentation for the purchases described in this Ordinance consistent with the FSA Contract, the Vendor’s Proposal attached hereto as Exhibit “A”, and the Staff Report accompanying this Ordinance, subject to approval by the Village Attorney as to form and legality, and to take any action which is reasonably necessary to implement the purpose of this Ordinance.

Section 8. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading on the 9th day of March, 2021.

PASSED AND ADOPTED on second reading on the 30th day of March, 2021.

ATTEST:

Joelyn B. Koch
JOCELYN B. KOCH
VILLAGE CLERK

Michael W. Davey
MICHAEL W. DAVEY
VILLAGE MAYOR



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to read "Charles F. Friedman".

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

MIAMI DAILY BUSINESS REVIEW

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Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

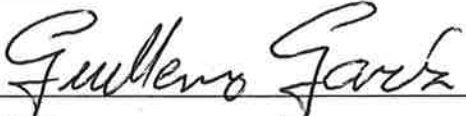
Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE - SECOND READING -
ORDINANCE - MAR. 30, 2021

in the XXXX Court,
was published in said newspaper in the issues of

03/18/2021

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


Sworn to and subscribed before me this

18 day of MARCH, A.D. 2021


(SEAL)

GUILLERMO GARCIA personally known to me



VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK SECOND READING NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, March 30, 2021 at 6:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING THE PURCHASE OF A PIERCE ENFORCER .PUC PUMPER FIRE TRUCK AND RELATED EQUIPMENT FROM TEN-8 FIRE & SAFETY, LLC IN AN AMOUNT NOT TO EXCEED \$750,000; AUTHORIZING THE ISSUANCE OF A FIRE EQUIPMENT REVENUE BOND OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$750,000, FOR THE PURPOSE OF FINANCING THE PURCHASE OF THE FIRE TRUCK; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF THE BOND; AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE WITH BANKS FOR PURCHASE OF THE BOND; DECLARING CERTAIN FIRE RESCUE EQUIPMENT AS SURPLUS PROPERTY; AUTHORIZING THE SALE OR DISPOSITION OF SURPLUS PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Office of the Village Clerk. Any person wishing to address the Village Council on any item at this Public Hearing may call (305) 365-7569, Zoom Meeting ID: 231 627 8415 and be heard with respect to the proposed Ordinance.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing via email to publiccomments@keybiscayne.fl.gov.

Jocelyn B. Koch
Village Clerk

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